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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 04/19/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,622

Applicant(s)

BARNES ET AL.

Examiner

Jeffery A Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

1. The amendment filed on 01/30/2004 has been entered.
2. The amendment to the paragraph beginning on page 21 line 19 and to the paragraph beginning on page 22 line 4 overcomes the objection to the drawings set forth in the last office action paper no. 10.

Specification

3. The specification is objected to because the amendment to the paragraph beginning on page 21 line 19 amended the next to last sentence to be: *As such the client may continue with another base item at block 54.* This description gives the decision to block 80 for determining whether to continue with another base item while block 82 actually determines whether to continue with another base item. Appropriate correction is required.

Response to Arguments

4. Applicant's arguments filed 1/30/04 concerning the prior art rejection have been fully considered but they are not persuasive.
5. Applicants comments on page 16 next to last line to page 17 line 4, in the paragraph spanning pages 17-18, the second paragraph of page 18 and the second full paragraph on page 22 is not correct because the Rocky Mountain system has the user select what the user wishes to place onto the headstone via the engraving process.

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The system then overlays onto the base image of the headstone the selected text and/or image by a computer based compositing process that overlays an image of the text and/or image onto the base image to produce a composite image. If the user accepts the composited image then the software allows a printout of the composited image to be made to give to the customer a printed copy of the image that will be engraved onto the headstone via the sandblasting process. The sandblasting process attaches a real physical object onto the headstone since the engraved text and/or images are physical not virtual. The sandblasting process also involves attaching a heavy rubber resist material onto the headstone. The heavy rubber resist material is formed in response to the user selected object. The heavy rubber resist material is a physical object that is placed on the headstone for use during the sandblasting process. The text and/or image formed on the headstone is a physical object that is placed onto the headstone. The text and/or image is attached to the headstone since the definition of attach is join which means to bring together so as to make continuous or form a unit. From the following your dictionary.com definitions of attach, join, physical, and object it is seen that the definition of attached physical object is met by sandblasting text and/or image onto the headstone. Therefore applicants position that the Rocky Mountain system described in the Utah Prime Times does not attach to the headstone a physical object is incorrect.

Attach

To fasten, secure, or join: *attached the wires to the post.*

To connect as an adjunct or associated condition or part: *Many major issues are attached to this legislation.*

To affix or append; add: *attached several riders to the document.*

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To ascribe or assign: *attached no significance to the threat.*

To bind by emotional ties, as of affection or loyalty: *I am attached to my family.*

To assign (personnel) to a military unit on a temporary basis.

Law To seize (persons or property) by legal writ.

v. intr.

To adhere, belong, or relate: *Very little prestige attaches to this position.*

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Join

To put or bring together so as to make continuous or form a unit: *join two boards with nails; joined hands in a circle.*

To put or bring into close association or relationship: *two families that were joined by marriage; join forces.*

To connect (points), as with a straight line.

To meet and merge with: *where the creek joins the river.*

To become a part or member of: *joined the photography club.*

To come into the company of: *joined the group in the waiting room.*

To participate with in an act or activity: *The committee joins me in welcoming you.*

To adjoin.

To engage in; enter into: *Opposing armies joined battle on the plain.*

v. intr.

To come together so as to form a connection: *where the two bones join.*

To act together; form an alliance: *The two factions joined to oppose the measure.*

To become a member of a group.

To take part; participate: *joined in the search.*

n.

A joint; a junction.

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Physical

1.

a. Of or relating to the body as distinguished from the mind or spirit. See Synonyms at bodily.

b. Involving or characterized by vigorous bodily activity: *a physical dance performance.*

c. Slang Involving or characterized by violence: *"A real cop would get physical" (TV Guide).*

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2. Of or relating to material things: *our physical environment*.
3. Of or relating to matter and energy or the sciences dealing with them, especially physics.

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Object

1. Something perceptible by one or more of the senses, especially by vision or touch; a material thing.
2. A focus of attention, feeling, thought, or action: *an object of contempt*.
3. The purpose, aim, or goal of a specific action or effort: *the object of the game*.
4. Grammar
A noun, pronoun, or noun phrase that receives or is affected by the action of a verb within a sentence.
A noun or substantive governed by a preposition.
5. Philosophy Something intelligible or perceptible by the mind.
6. Computer Science A discrete item that can be selected and maneuvered, such as an onscreen graphic. In object-oriented programming, objects include data and the procedures necessary to operate on that data.

6. Applicant in the paragraph spanning pages 18 to 19, the second paragraph on page 19 and the paragraph spanning pages 19-20 further addresses the above discussed issue with regards to the 103 rejection of claim 1. As discussed above the Rocky Mountain system described in the Utah Prime Times does teach attaching a physical object to the headstone after a computer compositing process has overlayed images of physical objects onto the base image. Therefore the Rocky Mountain system teaches the motivation to modify the Barrott system. Applicant at page 19 lines 1-5 alleges Barrott teaches away from a compositing system in view of paragraph 0017.

Paragraph 0017 describes the database for retrieving business information and images correlated to the business information. However, this does not teach away from compositing because in a compositing system the database stores image in read only mode so the database will always have available the basic images to form composite images in the future after a current compositing process. For example the base image of the headstone in the Rocky Mountain system is available to the next customer after the current customer has personalized the headstone. Thus, the read only database of Barrott and the read only database of the Rocky Mountain system are completely compatible in the compositing system of the Rocky Mountain system.

7. Applicants comment on page 19 lines 11-12 that: "The article does not suggest this because people do not attach objects to headstones." is not correct because people do attach objects to headstones. People attach flower holders to headstones. People attach veteran's bronze plaques to headstones. Several headstones dating at least from the mid 1990s with veteran's bronze plaques physically attached to the headstone can be viewed in the Cumberland Ohio cemetery. Therefore applicants specious position that people do not attach objects to headstones has no supporting factual evidence.

8. Applicants comments on pages 17 lines 4-6, page 20 first and second full paragraphs, page 21 last paragraph and page 22 first paragraph, the paragraph spanning pages 22 and 23 and the first full paragraph on page 23 that the prior art references, Utah Prime Times article and the Barrott Patent Application Publication, does not teach or suggest a system for selecting an item that locally retrieves and

displays an image in response to a request from a remote server are not persuasive.

Barrot teaches in paragraph 0054 teaches migrating from a stand-alone system which stores all of the image locally to a system that uses a client-server relationship.

Paragraph 0063 teaches the web site is preferable stored on a local drive 18 to which the HTTP server 6 has access. Applicant contends paragraph 0063 only teaches a local drive at the server, however, one of ordinary skill in the art would fully appreciate the full scope of this teaching as including a local drive at the client that is accessible to the server since the last line of paragraph 0063 teaches the web pages need not be located on the server. This teaching teaches to place the web pages away from the server, teaches a local drive is the place to store the web pages and teaches placing the web pages on the client due to the word local in local drive and due to the stand-alone embodiment of paragraph 0054. Paragraphs 0054 and 0063 are very broad teachings that the web pages need not be stored at the server but may be stored anywhere including the client.

9. Applicants comments on page 21 lines 1-3 concerning claims 7-11 are not persuasive because an interface is necessary for the user to instruct the computer as to which images to composite in the Rocky Mountain system.

10. Applicants comments on page 21 lines 3-7 concerning claims 12-15 are not persuasive because as discussed above the Rocky Mountain system allows the user to select text and/or images to be attached to the headstone.

11. Applicants comments on page 21 lines 7-8 concerning claims 16 and 17 are not persuasive because Rocky Mountain system places photographs onto the headstone

and because Barrott in paragraph 0072, 0081, 0082 and 0089 teaches urn, casket, corners and panels.

12. Applicants comments on page 21 lines 8-9 concerning claims 18-20 are not persuasive because Barrott at least in paragraph 0020 teaches generating a comprehensive funeral plan.

13. Applicants comments on page 21 lines 9-10 concerning claim 21 and in the last paragraph on page 23 concerning claim 52 are not persuasive because Barrott in figure 4d shows at least three areas of the casket which can be customized.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1-3, 5, 7-9, 16, 21, 23, 24, 26, 28-30, 38, 41-43, 48 and 49 are rejected

under 35 U.S.C. 102(b) as being anticipated by the article describing the Rocky

Mountain Monument & Vault's monument design software described in the article

Funeral Home Online--Funeral Home Goes High Tech from the Utah Prime Time July

2000 this article was found at <http://www.funeralplan.com/products/fa.html> and at http://www.auroracasket.com/WEB/news_faqs/press_releases/newsoftware.html

This article describes a headstone design software that allow the user to design a headstone by pulling together designs, choosing from thousands of images, selecting fonts for the text and even adding a signature. See paragraphs 15-21.

A detailed analysis of the claims follows.

Claim 1:

The article describes a computer implemented method (*see paragraphs 15-21*) for guiding a funeral planning session (*the selection of the headstone's design is one step in the process for guiding a funeral, the whole article is dedicated to describing the software used to plan a funeral session*), comprising:

displaying a base image of a funeral item (*during the headstone design session the user would inherently view many headstones, see paragraph 15, and choose one, the chosen one is the base image*);

superimposing an overlay image (*the text and images selected by the user are the overlay image*) of a correlated item (*the text and images wished by the user to have placed on the headstone are correlated items*) over the base image (*see paragraph 16, a laser copy of the headstone is generated and given to the family which is now a composite image of the base headstone with the computer processed text and images selected by the family*) in response to a user selecting the correlated item in such a manner as to form a composite image (*inherently the system will display the composite image not only on the laser copy but on the computer monitor since paragraph 15 states*

the virtual showroom is on the computer which means it is presented to the user via a monitor), wherein the correlated item comprises a physical object capable of being attached to the funeral item (the sandblasted image of the user selected correlated item is a physical object attached to the headstone, the heavy rubber resist material formed by the user selected object is a physical object that is placed on the headstone for use during the sandblasting process).

Claim 2:

The article describes the method according to claim 1, further comprising storing image data selected from a group consisting of:

the base image (to create the virtual showroom the base image has to be stored),

the overlay image (In paragraph 18 an image is scanned into the computer, the process of scanning has input image data in the computer which has to be stored for it to be available for use by the computer) and

the composite image (during the process of merging the headstone with the selected text and images provided by the family the computer must store the composited image),

and some combination (this term is interpreted to mean at least one of the base image, overlay image, and composite image), thereof, within a database (According to

yourdictionary.com the term database means: A collection of data arranged for ease and speed of search and retrieval. Also called data bank. The computer used at the

funeral home described in this article would definitely have the virtual showroom

headstone images stored in a database and would definitely store the customer's

information in a database since the design session and printing of the laser copy are at

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the funeral home and the manufacture of the headstone is at a factory. The funeral home's computer would have to send the customer's file to the factory which would definitely store the file in a database connected to the computer plotter).

Claim 3:

The article describes the article describes the method according to claim 2, further comprising retrieving the image data from the database (*as described above the base image is stored in a database and it would be retrieved from the database during the virtual headstone showroom tour, during the headstone design session the designed headstone would be stored and then retrieved and transmitted to the factory to have the headstone manufactured, during the printing process of the laser copy to be given to the family the database storing the composite image would accessed to retrieve the composite image).*

Claim 5:

For the reasons given for claims 2 and 3 the database is resident at a local computer at the funeral home.

Claim 7:

A user interface is inherent in the article's teaching because a save option during the design of the headstone is inherent. Also to add or delete headstones from the showroom tour would be inherent.

Claims 8 and 9:

The saved image is an image of the headstone.

Claim 16:

The saved image of the headstones used in the showroom store are photographs.

Claim 20:

Prompting the user to input during the planning session is inherent in the article's teaching since the user selects a headstone and to do must have some sort of prompt provided by the computer in order to enter the selection.

Claim 21:

Paragraph 19 describes adding text and pictures to the overlay.

Claim 23:

The article describes an apparatus, comprising:

a memory (*the computer performing the software design of the headstone has to have a memory*);

a database resident in the memory (*to perform the virtual showroom tour a database is present in memory*),

the database storing images associated with a plurality of funeral products (*a plurality of headstones is a plurality of funeral products*);

and a program configured to access the database (*to retrieve the image of the headstone the database is accessed*) and retrieve a base image associated with one of the plurality of funeral items (*one of the headstones is one of the funeral items*), display the base image (*during the virtual showroom tour the base image is displayed to the family*), and superimpose an overlay image of a correlated item of the plurality of funeral

items over the base image in such a manner as to form a composite image (see *paragraph 16, a laser copy of the headstone is generated and given to the family which is now a composite image of the base headstone with the computer processed text and images selected by the family, inherently the system will display the composite image not only on the laser copy but on the computer monitor since paragraph 15 states the virtual showroom is on the computer which means it is presented to the user via a monitor*), wherein the correlated item comprises a physical object capable of being attached to the funeral model product (*the sandblasted image of the user selected correlated item is a physical object attached to the headstone, the heavy rubber resist material formed by the user selected object is a physical object that is placed on the headstone for use during the sandblasting process*).

Claim 24:

See claim 2.

Claim 26:

See claim 5.

Claim 28:

See claim 7.

Claims 29 and 30:

See claims 8 and 9.

Claim 38:

The headstone, claimed correlated funeral item, is associated with the overlay image by the software when the selected headstone is selected for overlay by the chosen overlay image.

Claim 41:

See claim 20.

Claim 42:

See claim 21.

Claim 43:

See claim 16.

Claim 48:

The article teaches a program product (*the design software is computer software which requires a program product to operate, thus inherent*), comprising:
a program configured to access a database (*to retrieve the image of the headstone the database is accessed*) storing images associated with a plurality of funeral products (*a plurality of headstones is a plurality of funeral products*) and retrieve a base image associated with one of the plurality of funeral items (*one of the headstones is one of the funeral items*), display the base image (*during the virtual showroom tour the base image is displayed to the family*), and superimpose an overlay image of a correlated item of the plurality of funeral items over the base image in such a manner as to form a composite image(*see paragraph 16, a laser copy of the headstone is generated and given to the family which is now a composite image of the base headstone with the*

computer processed text and images selected by the family, inherently the system will display the composite image not only on the laser copy but on the computer monitor since paragraph 15 states the virtual showroom is on the computer which means it is presented to the user via a monitor); and a signal bearing medium bearing the program (the computer used to perform the virtual headstone tour, to design the overlay image, and to superimpose the headstone with the overlay image inherently has a program which is inherently stored in a memory which is a signal bearing medium and the memory sends the program to the computer's processor via a signal bearing medium).

Claim 49:

As discussed above the computer used to perform the virtual headstone tour, to design the overlay image, and to superimpose the headstone with the overlay image inherently has a program which is inherently stored in a memory which is a signal bearing medium and the memory sends the program to the computer's processor via a signal bearing medium. The memory is a recordable medium since to have the program in memory the memory was recordable.

16. Claims 22, 45-47, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrot et al., U.S. Patent Application Publication No. 2002/00464046. Barrot describes at page 4 paragraphs 0054-0057 a computer that is either standalone or networked to perform funeral advising and allows the user to select various funeral

products for inclusion in the funeral and allows the user to view images of each of the funeral products.

A detailed analysis of the claims follows.

Claim 22:

Barrot teaches a method of selecting a funerary product (*the user views many funeral products and selects products the user wishes to include in the funeral, page 4 paragraphs 0054-0057*) from a local computer (*paragraph 0054*) networked to a remote server (*paragraphs 0054, 0057 and 0063*), the local computer having a database (*paragraph 0063 and browser stores images in a cache database*) that maintains at least one image associated with at least one of a plurality of funeral items (*paragraphs 0138-0150 and figures 15-20*), comprising:
retrieving the image from the database in response to a request
from the remote server (*figures 15-20 illustrate graphically the various database images and video that is retrieved in response to user selection of a certain funeral product, if the server is controlling the images then images may be read from local cache database to speed display of page*); and thereafter displaying the image on the local computer (*the local computer displays the selected images*).

Claim 45:

Barrot teaches an apparatus, comprising:
a memory resident on a local computer (*paragraph 0063*);

a database resident within the memory (*paragraph 0063*), the database storing at least one image associated with at least one of a plurality of funeral items (*the user views many funeral products and selects products the user wishes to include in the funeral, page 4 paragraphs 0054-0057, paragraphs 0138-0150 and figures 15-20*); and a program executing on the local computer (*paragraph 0063*) and configured to access the database to retrieve the image (*paragraph 0063 and browser stores images in a cache database*), and initiate a display of the image on the local computer in response to a request from a remote network server (*paragraphs 0054, 0063, 0068, 0069, and 0071 describes alternative embodiments that stores some files on local computer and performs some processes on remote network server, paragraphs 0088 and 00137 describe inventory update that tells the local computer which images stored on the local computer may not be displayed due to out of stock items 00137 which is a form of request to have certain images displayed, if the server is controlling the images then images may be read from local cache database to speed display of page*).

Claim 46:

This claim is similar to claim 45 with the exception this claim adds the following features: at least one overlay image associated with a correlated funeral item; and the program further superimposing the overlay image over the base image in response to a request from a remote network server. Barrot replaces one web page image of a funeral product with another web page image of another funeral product as the user

views the funeral products. Applicant does not claim how the superimposing works thus the claim is being given the broadest reasonable meaning of having the overlay image completely overlay the base image making the base image not visible which is clearly taught by Barrot.

Claim 47:

Barrot teaches an apparatus, comprising:

a memory resident on a network server (*paragraphs 0054 and 0063 describes a network memory*);

a program resident within the memory (*the website is a program*) and in communication with a local computer (*paragraphs 0054 and 0063*),

the program configured to direct the local computer to display an image

associated with a funeral item in response to a request initiated by the local

computer (*in one embodiment of Barrot's system the web browser on the local*

computer sends a request from the user to view a page to the network server, the

network server sends the requested web page, the local computer is directed by the

sent web page to display the images associated with the web page) .

Claim 50:

Barrot teaches a program product, comprising:

a program executing on a local computer (*the web browser is executed on the local computer, paragraphs 0054 and 0063*)

and configured to access a database storing images associated with a plurality of funeral products, and to retrieve and initiate a display of a funeral item image on the local computer in response to a request from a remote network (*in one embodiment of Barrot's system the web browser on the local computer sends a request from the user to view a page to the network server, the network server sends the requested web page, the local computer is directed by the sent web page to display the images associated with the web page*);

and a signal bearing medium bearing the program (*the memory storing the program is a signal bearing medium and the network is signal bearing medium during the transmission of the program*).

Claim 51:

Barrot teaches the program product of claim 50, wherein the signal bearing medium includes at least one of a recordable medium (*the memory is a recordable medium since to have the program in memory the memory was recordable*) and a transmission medium (*the network is a transmission medium*).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1-21, 23-44, 48, 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrot et al., U.S. Patent Application Publication No. 2002/00464046, and the article describing the Rocky Mountain Monument & Vault's monument design software described in the article Funeral Home Online--Funeral Home Goes High Tech from the Utah Prime Time July 2000.

As described above Barrot describes at page 4 paragraphs 0054-0057 a computer that is either standalone or networked to perform funeral advising and allows the user to select various funeral products for inclusion in the funeral and allows the user to view images of each of the funeral products.

Each of independent claims 1, 23, and 48 claim forming a composite image by superimposing the overlay image over the base image.

Barrot replaces one web page image with another web page image as the user views the funeral products but it does not teach forming a composite image by superimposing the overlay image over the base image.

However, it should be appreciated that figure 5a shows the same viewing room but with different funeral products, however, these web pages are complete files not requiring compositing by superimposing a base image with an overlay image by the

local computer. However, it should be noted that HTML web pages are formed by HTML code that makes references to image files causing the system to composite the images into the web page seen on the computer screen. However, these commands may or may not overlay one image onto another image.

The Funeral Home Online--Funeral Home Goes High Tech article describes forming a composite image by overlaying a base image of a headstone with text and images.

A detailed analysis of independent claims 1, 23, and 48 follows.

Claim 1:

Barrot teaches a computer implemented method for guiding a funeral planning session, comprising:

displaying a base image of a funeral item (*Barrot displays many funeral items so the user may select a funeral item, many of the items such as caskets may be customized which allows the user to select another web page to view the images of a feature of the casket that may be selected for addition to the casket, thus, the initial view of a casket such as shown in figure 4d is a base image*);

superimposing an overlay image of a correlated item over the base image in response to a user selecting the correlated item (*when the user selects an area such as 77 in figure 4d the web page showing the image of that item replace the web page shown in figure 4d*),

wherein the correlated item comprises a physical object capable of being attached to the funeral item (*the user selects various physical objects capable of being attached to the casket*).

Barrot does not teach *superimposing in such a manner as to form a composite image*.

The article describing headstone designing superimposes an overlay image onto the base image of the headstone.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrot so the selected item for inclusion with the funeral item will be composited onto the funeral item so the user will be able to view the customized funeral item because the article in paragraph 15 describes giving the customers a better way of viewing the items and in paragraph 21 describes how this type of personalization helps in the healing process.

Claim 23:

Barrot teaches an apparatus, comprising:

a memory (*web pages are stored in memory, see paragraphs 0052-0055*);

a database resident in the memory (*the web pages are stored in a database, paragraph 0055 describes a SQL server which is a database server*),

the database storing images associated with a plurality of funeral products (*the web pages store image of funeral products*);

and a program configured to access the database and retrieve a base image

associated with one of the plurality of funeral items (*the web browser accesses the database to retrieve images of the funeral items*), display the base image (*the web browser displays the funeral item*), and

superimpose an overlay image of a correlated item of the plurality of funeral items over the base image (*when the user selects an area such as 77 in figure 4d the web page showing the image of that item replace the web page shown in figure 4d*),

wherein the correlated item comprises a physical object capable of being attached to the funeral model product (*the sandblasted image of the user selected correlated item is a physical object attached to the headstone, the heavy rubber resist material formed by the user selected object is a physical object that is placed on the headstone for use during the sandblasting process*).

Barrot does not teach *superimposing in such a manner as to form a composite image*.

The article describing headstone designing superimposes an overlay image onto the base image of the headstone.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrot so the selected item for inclusion with the funeral item will be composited onto the funeral item so the user will be able to view the customized funeral item because the article in paragraph 15 describes giving the customers a better way of viewing the items and in paragraph 21 describes how this type of personalization helps in the healing process.

Claim 48:

This claim is a program product claim version of claim 23 and is rejected for the reasons given for claim 23, additionally, in one embodiment of Barrot's system the web browser on the local computer sends a request from the user to view a page to the network server, the network server, sends the requested web page, the local computer is directed by the sent web page to display the images associated with the web page. The memory storing the program is a signal bearing medium and the network is signal bearing medium during the transmission of the program.

Claim 49:

Barrot teaches the program product of claim 48, wherein the signal bearing medium includes at least one of a recordable medium (*the memory is a recordable medium since to have the program in memory the memory was recordable*) and a transmission medium (*the network is a transmission medium*).

Claim 52:

Barrot teaches a computer implemented method for guiding a funeral planning session (*see figure 5*), comprising:

displaying a base image of a viewing room (*see figure 5*);

Barrot fails to fully teach superimposing over the base image an overlay image of a correlated item comprising an item capable of being positioned within the viewing room so as to form a composite image. Barrot does display an image that is a

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composite of a viewing room with items capable of being positioned within the viewing room. Barrot does not teach how the composite image is formed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrot so the selected item for inclusion in the viewing room will be composited into the virtual viewing room so the user will be able to view the customized viewing room because the Utah Prime Times article in paragraph 15 describes giving the customers a better way of viewing the items and in paragraph 21 describes how this type of personalization helps in the healing process.

Dependent claims 2-21 and 24-44 will now be analyzed.

Claims 2 and 24:

Barrot at least teaches storing the base image and the overlay image.

Claim 3:

Barrot's web browser retrieves the image from the above described database, see claim 23.

Claim 4:

See figure 5a. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrot so the selected item for inclusion in the viewing room will be composited into the virtual viewing room so the user will be able to view the customized viewing room because the Utah Prime Times article in paragraph 15

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describes giving the customers a better way of viewing the items and in paragraph 21 describes how this type of personalization helps in the healing process.

Claims 5 and 26:

See paragraphs 0054 and 0063. Applicant claim does not tell where the local computer is located. Paragraph 0054 describes a stand-alone computer and paragraph 0063 describes a local drive. At least paragraph 0054 describes a local computer.

Claim 6:

During inventory updating the web page images may be updated by the server
Web browsers cache server downloaded images and when a new image is required by the web page it is downloaded from the server.

Claim 27:

During inventory updating the web page images may be updated by the server
This claim is broad.

Claims 7 and 28:

As the use selects funeral items the selections are stored in the database.

Claims 8 and 29:

The web pages of the funeral items include image data, see figure 4d.

Claims 9 and 30:

The family advisor software provides services such as ceremonies and products such as caskets.

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Claims 10 and 31:

Prices are displayed in the web page, see paragraph 0081, thus prices were entered into the database.

Claims 11 and 32:

Prices are displayed in the web page, see paragraph 0081, thus prices were retrieved into the database.

Claims 12 and 33:

Themes are discussed with regard to personal expressions feature of the software see paragraph 0084 and figure 5a. Themes links the user to related products.

Claims 13 and 34:

Various themes are listed in paragraph 0084 which at least some correspond to the claimed themes such as hobby and religion.

Claims 14-15 and 35-36:

See paragraph 0084.

Claims 16 and 43 :

See paragraph 0080.

Claims 17 and 44:

See paragraph 0072, 0081, 0082 and 0089 for examples of urn, casket, corners and panels.

Claim 18:

See paragraph 0020.

Claims 19 and 40:

See paragraph 0049.

Claims 20 and 41:

This is a broad claim and is met by many aspects of Barrot's family advisor software such as the page shown in figure 4b.

Claims 21 and 42:

See figure 4d which shows at least three areas of the casket which can be customized. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrot so the selected item for inclusion with the casket will be composited onto the image of the casket so the user will be able to view the customized casket because the article in paragraph 15 describes giving the customers a better way of viewing the items and in paragraph 21 describes how this type of personalization helps in the healing process.

Claim 25:

See paragraph 0063

Claim 37:

The casket is associated with the base image for the reasons given in claim 23.

Claim 38:

The selected funeral item is associated with the overlay image for the reasons given in claim 23.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffery A Brier
Primary Examiner
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